

**REMARKS**

**Pending Claims**

Claims 1-10, 14-30, 34-50 and 54-70 are pending. Claims 1,14,19,21,34,41,43, 54, and 61 have been amended. Claims 11-13, 31-33, 51-53 and 71-80 have been canceled without prejudice or disclaimer of subject matter.

**Claims Objections**

In the Office Action, claims 19 and 43 were objected to for informalities. By the present amendment, claims 19 and 43 have been amended, as suggested by the Examiner, to correct the informalities.

**Rejection Under 35 U.S.C. § 112, First Paragraph**

Claims 11-13, 31-33, 51-53 and 71-73 were rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains or with which it is mostly nearly connected, to make and/or use the invention. By the present amendment, Applicant has canceled claims 11-13, 31-33, 51-53 and 71-73 without prejudice or disclaimer to subject matter thereby rendering this rejection moot.

**Art Rejection**

In the Office Action, claims 1,3,4,21,23,24,41,43,44,61,63, and 64 were rejected under 35 U.S.C. § 102(e) as being unpatentable in view of Bellaton (U.S. Pat. No. 6,473,425). Furthermore, claims 2, 22, 42, and 62 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bellaton in view of Miller et al (U.S. Pat. No. 6,247,058). Claims 5-10, 25-30, 45-50, and 65-70 were rejected under 35 U.S.C. § 103(a) over Bellaton in view of Lindsay (U.S. Pat. No. 6,564,267). In the Office Action, claims 11, 31, 51, and 71 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bellaton in view of LaFollette et al (U.S. Pat. No. 6,212,171). Furthermore, claims 14-20,34-40,54-60 and 74-80 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bellaton in view of Gubbi et al (U.S. Pat. No. 6,574,668).

By the present amendment, Applicant has amended independent claims 1, 14, 21, 34, 41, 54 and 61 to recite the novel and unobvious aspects of the present invention. Specifically, each of the independent claims has been amended to include the limitation that each of the packets is designated as either a frame packet or a differential packet for purposes of retransmitting the packet if an acknowledgment is not received to thereby ease network congestion.

For example, amended claim 1 recites a method for real time transmission of information content between a network server and a network client. Successive packets are transmitted from the server to a retransmit module that assigns a sequence number and a first timer to each packet. Furthermore, claim 1 has been amended to recite that the

retransmit module designates the packet as either a frame packet or a differential packet based upon the contents of the packet. Support for this new limitation can be found in the Specification at page 7, lines 14 to 26. The retransmit module transmits the packets to the network client. An acknowledgment is sent from the network client to the retransmit module if the packet is received. The retransmit module retransmits the packets upon expiration of the first timer prior to receiving an acknowledgment and based upon the designation of the packet. Furthermore, packets are removed from the retransmit module upon an occurrence of a predetermined event prior to the acknowledgment and based upon the designation such that differential packets are removed more frequently than frame packets in order to avoid network congestion.

By the present amendment, independent claims 14, 21, 34, 41, 54 and 61 have been amended similarly. Specifically, each of the independent claims has been amended to include the limitation that the packets are designated as either frame packets or differential packets in order to remove differential packets more frequently and avoid network congestion.

Applicant respectfully submits that the amendments to independent claims 1, 14, 21, 34, 41, 54 and 61 places the claims in condition for allowance. None of the references, either alone or in combination, discloses designating packets as either frame packets or differential packets based upon content in order to remove packets and reduce network congestion. Accordingly, Applicant submits that claims 1, 14, 21, 34, 41, 54 and 61 are in

condition for allowance, as are claims 2-10, 15-20, 22-30, 35-40, 42-50, 55-60, and 61-70 dependent upon a respective allowable base claim.

**Conclusion**

In view of the preceding discussion, Applicant respectfully urges that the claims of the present application define patentable subject matter and should be passed to allowance. Such allowance is respectfully solicited.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at (650) 622-2300.

Respectfully submitted,

Date: March 22, 2004

By: 

Eric K. Proul

Registration No. 45,025

P. O. Box 1404  
Alexandria, Virginia 22313-1404  
(650) 622-2300